

10 its limits, which is a continuation of the primary road system of the
11 county, by filing the resolution making application therefor with the
12 county auditor.

13 The board of supervisors shall examine said application and shall
14 within thirty days after the filing thereof with the county auditor
15 take action thereon. The board may approve said application in whole
16 or in part or may wholly reject the same, whereupon the resolution,
17 together with a record of the board's action thereon, shall be for-
18 warded to the state highway commission for final review.

19 The state highway commission shall examine said resolution and
20 the action of the board thereon, and shall within thirty days make
21 final determination thereof. It may approve the application in whole
22 or in part or may wholly reject the same. The town council and the
23 board of supervisors shall be immediately notified of the action taken.

24 The provisions of section six (6) of chapter two hundred thirty-
25 seven (237), acts of the thirty-eighth (38) general assembly (S. C. C.
26 2914) relative to voting on the question of hard surfacing the primary
27 roads shall not apply to improvements made hereunder. Provided,
28 that in counties which have not authorized the hard surfacing of the
29 primary roads, and in which the said primary roads have not all been
30 built to finished grade and drained, the state highway commission
31 shall give preference to such grading and draining projects, and not
32 to exceed twenty (20) per cent of the annual allotment of the primary
33 road funds may be spent on projects within towns hereunder."

1 SEC. 2. Publication clause. This act, being deemed of immediate
2 importance, shall be in full force and effect from and after its publi-
3 cation in the Des Moines Capital and the Des Moines Register, news-
4 papers published in the city of Des Moines, Iowa.

Approved April 18, A. D. 1923.

I hereby certify that the foregoing act was published in the Des Moines Capital
April 21, 1923, and the Des Moines Register April 21, 1923.

W. C. RAMSAY, *Secretary of State.*

CHAPTER 89

HIGHWAYS

H. F. 400

AN ACT to amend section 39, of chapter 237 of the laws of the thirty-eighth general
assembly (C. C. 2947) authorizing the board of supervisors to use a part of the
primary road fund for the purpose of improving the secondary roads of the county.

Be it enacted by the General Assembly of the State of Iowa:

1 SECTION 1. Repeal. The first eight lines and the word "act" in
2 line 9 of section 39, of chapter 237, of the laws of the 38th general
3 assembly, is hereby repealed and the following enacted in lieu thereof:

1 SEC. 2. Use of primary road fund. After the primary road system
2 as now constituted, or as it may hereafter be constituted in any

3 county, by authorized modification, is fully improved by grading,
4 draining and graveling or other surfacing approved by the highway
5 commission the state highway commission shall each year appropriate
6 from said county's allotment of the primary road fund a sufficient
7 amount,

8 (a) To pay the cost of maintaining the primary road system of said
9 county during said year,

10 (b) To pay the interest and maturing principal of certificates, if
11 any, issued by said county in anticipation of said county's allotments
12 of the primary road fund, and

13 (c) To pay the interest and maturing principal of primary road
14 bonds, if any, issued in anticipation of said county's allotment of the
15 primary road fund.

16 All funds remaining in said county's allotment of the primary road
17 fund, after the above amounts have been set aside, are hereby made
18 available for the grading, draining or graveling of secondary roads
19 in said county which connect with, or form laterals, or feeders to the
20 primary roads of said county.

1 SEC. 3. Secondary road projects. The procedure by the county
2 board in the initiation of secondary road projects as herein specified,
3 the approval of said projects by the state highway commission, the
4 letting and approval of contracts for the construction work and the
5 payment of claims therefor, shall be the same as provided in chapter
6 237, of the laws of the 38th general assembly for projects on the
7 primary road system. The surveys and plans for such secondary road
8 projects shall be made by the county engineer, and shall be approved
9 by the state highway commission before the contracts are let. The
10 county engineer shall supervise the construction work. The state
11 highway commission may make general inspection of such construc-
12 tion work, and may refuse to approve claims for any such work which
13 is found to not conform to the plans and specifications.

1 SEC. 4. Interpretative clause. Nothing herein contained shall be
2 so construed as to preclude the county board from using any or all
3 of such excess primary road funds in any year on the primary road
4 system.

1 SEC. 5. Compilation. That part of section 39, chapter 237, laws
2 of the 38th general assembly, not hereby repealed, shall be a part of
3 section 39 and be renumbered as a sub-section under this amendment.

Approved April 12, A. D. 1923.